REMARKS/ARGUMENTS

I. Introduction:

Claims 1, 5, 9, and 14 are amended and claims 21-23 are added herein. With entry of this amendment, claims 1-9, 11, 13, 14, 16, 18, 19, and 21-23 will be pending.

Applicants respectfully request the Examiner to acknowledge and enter the Information Disclosure Statement filed on August 30, 2002 in the subject case.

II. Claim Rejections – 35 U.S.C. 112:

Claims 1 and 5 have been amended to correct a typographical error. More specifically, claims 1 and 5 have been amended to specify that the network dependent module is in communication with the network independent module. As amended, claims 1 and 5 are believed to comply with 35 U.S.C. 112.

III. Claim Rejections – 35 U.S.C. 102:

Claims 1-9, 11, 13, 14, 16, 18, and 19 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,963,911 (Gebhardt).

Gebhardt discloses distributed element network management. Code necessary for the integration of the elements into the network is contained in managed elements within the network. A network proxy polls the elements to determine the presence of a new element or a revision to the code of an existing element. When found, code is copied from the element to the proxy, which serves as an interface between the elements and a network management system. The proxy contains information and conversion routines necessary to translate commands from

the NMS to the native protocols of the network element, send the translated request to the element, retrieve a response, and build and transmit a response back to the NMS.

Gebhardt does not disclose a network element dependent module and network management application stored at the same network element so that the network element is operable to communicate directly with the new network element, as set forth in amended claims 1 and 5. In contrast to applicants' invention, Gebhardt uses a proxy that contains very little information regarding the managed elements. The proxy communicates with a network management station, containing a network management application. The sub-agents are stored at the proxy separate from the network management application.

Applicants' invention allows any of the network elements to operate the network management application, without the need for a separate device operating as a proxy between the network element running the network management application and the managed elements. Once the network management application is running locally at a network device, it can connect directly to each of the network elements in the network and download any additional specific code (network element dependent module) that it needs to access the specific features of a network element.

Accordingly, claims 1 and 5 are submitted as patentable over Gebhardt. Claims 2-4, 19, and 21, depending from claim 1, and claims 6-8 and 22-23, depending from claim 5, are submitted as patentable for at least the reasons discussed above with respect to claim 1.

Claims 9 and 14, as amended, are submitted as patentable for the same reasons as claim 1.

IV. <u>Conclusion</u>:

For the foregoing reasons, Applicants believe that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,

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